REMARKS

Claims 1-7, 9-29 remain pending in the instant application. All claims presently stand rejected. Claims 1, 3, 9, 15, 20 and 25 are amended herein. Claims 8 and 30-33 are canceled. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 15-18 and 20-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lim et al. (US 6,795,966). Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Example independent claim 1 of the instant patent application as presently amended expressly recites:

1. A method, comprising:

loading a virtual machine monitor into a system memory;

using the virtual machine monitor as a proxy agent for firmware and an operating system runtime and installation to a data storage unit (DSU) coupled to the system memory, wherein the DSU and the system memory are included on a same hardware platform;

using the virtual machine monitor to intercept a request to write new data to a location on the DSU;

using the virtual machine monitor to save a copy of old data currently residing at the location on the DSU to enable restoration of the old data to the location on the DSU;

using the virtual machine monitor to write the new data to the location on the DSU;

setting a watchdog timer to a finite period;

rebooting the operating system; and

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if a specified event does not reset the watchdog timer prior to expiration of the finite period, using the old data to reboot the operating system.

Thus, independent claim 1 as presently amended expressly recites a method that includes loading a virtual machine monitor ("VMM") into a system memory and using the VMM as a proxy agent for firmware and an operating system ("OS") runtime and installation to a data storage unit (DSU) coupled to the system memory, wherein the DSU and system memory are included in a same hardware platform. The method further includes setting a watchdog timer to a finite period; rebooting the operating system; and if a specified event does not reset the watchdog timer prior to expiration of the finite period, using the old data to reboot the operating system

Lim is directed to a fault tolerant computer with archival rollback capabilities. *Lim* does not teach the use of a watchdog timer and instead teaches scheduling transaction-based (such as before running a new executable file or before installing software) checkpoints, for example (col 27:2-5). Further, as in claim 3, *Lim* fails to disclose displaying in response to the expiration of the timer a user screen that can be used by the user to select a rollback tier. This distinction is significant because *Lim* does not, for example, automatically display a rollback screen for the user if the system fails to boot before the expiration of the timer.

Consequently, *Long* fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 9, 15, 20 and 25 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 15 and 20 be withdrawn.

The dependent claims are novel and nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant §102 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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